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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/944,195	09/04/2001	Kazuhiro Asada	110540	1204

25944 7590 09/30/2002

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EXAMINER

WOOD, KEVIN S

ART UNIT	PAPER NUMBER
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2874

DATE MAILED: 09/30/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/944,195

Applicant(s)

ASADA, KAZUHIRO

Examiner

Kevin S Wood

Art Unit

2874

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-3 and 5 is/are rejected.
- 7) ☒ Claim(s) 4 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 November 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 6.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: Brian Hooley

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-3 and 5 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,929,380 to Carlson, Jr. et al.

Referring to claim 1, the prior art discloses all the limitations of the claimed invention. Carlson, Jr. et al. discloses an optical fiber guide device including: a guide body (14) provided with a guide channel (16) which can guide and hold an optical fiber cord received and arranged in a bent shape; and a mounting part (44,42) provided on an outer face of the guide body and adapted to be fitted to an object in which the optical fiber cord is to be installed. See the Figures of the reference.

Referring to claim 2, the prior art discloses all the limitations of the claimed invention. Carlson, Jr. et al. discloses an optical fiber guide device including: the guide channel (16) being formed in a shape bent at a bending radius which is larger than the smallest bending radius of the optical fiber cord. See col. 2, lines 59-65.

Referring to claim 3, the prior art discloses all the limitations of the claimed invention. Carlson, Jr. et al. discloses an optical fiber guide device including: the guide receiving part that is U-shape in cross section and bent in its lateral direction, and can receive and arrange the optical fiber cord through an opening formed in its longitudinal

direction, and lid part (12) adapted to be attached to the guide receiving part so as to close the opening. See Fig. 9.

Referring to claim 5, the prior art discloses all the limitations of the claimed invention. Carlson, Jr. et al. does not specifically disclose that the guide channel may hold a multi-core fiber cord or that the guide channel can hold the optical fiber cord so that the fiber cores can be bent at the same radius. However, it is inherent that the device could hold multiple fiber cords, and/or multiple core fiber cords and that the multiple core fiber cords could be arranged so that each fiber core has the same bending radius. See the figures of the reference.

Allowable Subject Matter

3. Claim 4 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

4. The following is a statement of reasons for the indication of allowable subject matter:

Referring to claim 4, the prior art does not disclose all the limitations of the claimed invention. The prior art does not disclose an optical fiber guide device as claimed, including: either the guide receiving part or the lid part being provided with stoppers for clamping the optical fiber cord from both sides, and bite a coating of the optical fiber cord in order to position and hold the optical fiber cord.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent Application Publication No. 2002/0039476 to Sauve et al.

U.S. Patent No. 6,388,193 to Maynard et al.

U.S. Patent No. 6,389,211 to Mandry et al.

U.S. Patent No. 5,917,982 to Vargas et al.

U.S. Patent No. 5,240,209 to Kutsch

Each of these references discloses an optical fiber guiding device that is similar to the claimed invention.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin S Wood whose telephone number is (703) 605-5296. The examiner can normally be reached on Monday-Thursday (7am - 5:30 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rodney B Bovernick can be reached on (703) 308-4819. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9318 for regular communications and (703) 872-9319 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 307-0956.

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Art Unit: 2874

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KSW
September 25, 2002

A handwritten signature in black ink, appearing to read "Brian Healy". The signature is fluid and cursive, with the first name "Brian" and last name "Healy" clearly distinguishable.

Brian Healy
Primary Examiner